

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FILED

OCT 19 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL

Raul A. Garibay
Plaintiff,

v.

John Marshall-Warden
Defendant.

CASE NO.

C 07 5338
PRISONER'S
IN FORMA PAUPERIS
APPLICATION

(PR)

I, *Raul A. Garibay*, declare under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes *X* No

If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:

Gross: *D* Net: *D*

Employer: *Calif. Men's Colony-West (Dorm Porter)*

If the answer is "no," state the date of last employment and the amount of the gross and net salary and wages per month which you received. (If you are imprisoned, specify the last place of employment prior to imprisonment.)

*NA**NA*

2. Have you received, within the past twelve (12) months, any money from any of the following sources:

- | | | |
|---|-----------|-------------|
| a. Business, Profession or self employment | Yes _____ | No <u>X</u> |
| b. Income from stocks, bonds, or royalties? | Yes _____ | No <u>X</u> |
| c. Rent payments? | Yes _____ | No <u>X</u> |
| d. Pensions, annuities, or life insurance payments? | Yes _____ | No <u>X</u> |
| e. Federal or State welfare payments, Social Security or other government source? | Yes _____ | No <u>X</u> |

If the answer is "yes" to any of the above, describe each source of money and state the amount received from each.

na

na

3. Are you married? Yes _____ No X

Spouse's Full Name: na

Spouse's Place of Employment: na

Spouse's Monthly Salary, Wages or Income:

Gross \$ na Net \$ na

4. a. List amount you contribute to your spouse's support:

\$ na

b. List the persons other than your spouse who are dependent upon you for support and indicate how much you contribute toward their support:

na

na

5. Do you own or are you buying a home? Yes _____ No X

Estimated Market Value: \$ na Amount of Mortgage: \$ na

6. Do you own an automobile? Yes _____ No X

Make na Year na Model na

Is it financed? Yes _____ No X If so, Total due: \$ na

Monthly Payment: \$ na

7. Do you have a bank account? (If you are a prisoner, include funds in your prison account, and provide the certificate attached, signed by an officer of the prison.)

Yes _____ No X

Name(s) and address(es) of bank: na

na

Present balance(s): \$ na

Do you own any cash? Yes _____ No X Amount: \$ na

Do you have any other assets? (If "yes," provide a description of each asset and its estimated market value.) Yes _____ No _____

na

8. What are your monthly expenses?

Rent: \$ na Utilities: na

Food: \$ na Clothing: na

Charge Accounts:

<u>Name of Account</u>	<u>Monthly Payment</u>	<u>Total Owed On This Account</u>
_____	\$ <u>na</u>	\$ <u>na</u>
_____	\$ <u>na</u>	\$ <u>na</u>
_____	\$ <u>na</u>	\$ <u>na</u>

9. Do you have any other debts? (List current obligations, indicating amounts and to whom they are payable.)

na

na

I declare under the penalty of perjury that the foregoing is true and correct and understand that a false statement herein may result in the dismissal of my claims.

10-2-07

DATE


SIGNATURE OF APPLICANT

Case Number: _____

C 07 5338

CW
(PR)

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of

Raul A. Garibay for the last six months at
[prisoner name]

California Men's Colony-W where (s)he is confined.
[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ statement attached and the average balance in the prisoner's account each month for the most recent 6-month period was \$ statement attached

Dated: 10/9/07

Authorized officer of the institution

* See trust acct. @ bottom
(signature and date)

CALIFORNIA DEPARTMENT OF CORRECTIONS

CALIFORNIA NEWS COLONY

INMATE TRUST ACCOUNTING SYSTEM

INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: APR. 09, 2007 THRU OCT. 09, 2007

ACCOUNT NUMBER : P98953

BED/CELL NUMBER: WFU1040000000033U

ACCOUNT NAME : GARIBAY, RAUL A.

ACCOUNT TYPE: I

PRIVILEGE GROUP: A

TRUST ACCOUNT ACTIVITY

TRAN

DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
04/09/2007		BEGINNING BALANCE					0.00
08/13	DD30	CASH DEPOSIT	16718-1		18.00		18.00
09/07	DD30	CASH DEPOSIT	16858/3		22.50		40.50
09/13	FC02	BRAN-FAC 2	CW2			30.50	10.00
09/18	W508	NOTARY CHARGE	1248			10.00	0.00

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
10/03/2007	H118	LEGAL COPIES HOLD	1533	8.70

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 11/03/00

CASE NUMBER: CC060531

COUNTY CODE: SCL

FINE AMOUNT: \$ 10,000.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
04/09/2007		BEGINNING BALANCE		9,810.00
08/13/07	DR30	REST DED-CASH DEPOSIT	20.00-	9,790.00
09/07/07	DR30	REST DED-CASH DEPOSIT	25.00-	9,765.00

* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *

* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. *

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	40.50	40.50	0.00	8.70	0.00



THE WITHIN INSTRUMENT IS A CORRECT
COPY OF THE TRUST ACCOUNT MAINTAINED
BY THIS OFFICE.
ATTEST:

CALIFORNIA DEPARTMENT OF CORRECTIONS

BY Ronald Hilling 10/9/07
TRUST OFFICE

CURRENT
AVAILABLE
BALANCE

8.70-